



Robert I. Steiner

Kelley Drye & Warren LLP
3 World Trade Center
175 Greenwich Street
New York, NY 10007

Tel: (212) 808-7965
Fax: (212) 808-7897
rsteiner@kellydrye.com

December 15, 2023

VIA ECF

Hon. Alvin K. Hellerstein
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

The clerk is directed to restrict ECF No. 252 to the attorneys for the parties and Chambers personnel only.

SO ORDERED.

Dated: 12/19/23

/s/ Alvin K. Hellerstein

Alvin K. Hellerstein
United States District Judge

Re: *The Avon Company f/k/a New Avon LLC et al. v. Fareva Morton Grove, Inc. et al.*, Case No. 22-cv-4724

Dear Judge Hellerstein:

We represent Plaintiffs The Avon Company f/k/a New Avon LLC and LG H&H Co., Ltd. f/k/a LG Household & Health Care, Ltd. (collectively, "Avon") in the above-referenced matter. We write to respectfully request that the Court enter an Order to maintain under seal the documents discussed below, copies of which are being contemporaneously filed under seal pursuant to the Court's standing order, 19-mc-00583, and this Court's Individual Rule 4(B)(ii). In support of this Letter Motion, Avon states as follows:

On October 7, 2022, the Court entered a Stipulated Confidentiality Agreement and Protective Order (the "Protective Order"). (ECF No. 65.) The Protective Order permits either party to designate Discovery Material as "Confidential" or "Attorney's Eyes Only," and provides that information so designated may not be disclosed except as expressly permitted under the Protective Order. (ECF No. 65 at ¶¶ 2, 12.)

On November 22, 2023, the Court issued an Order directing each party to "submit to the Court a list of specific witnesses it seeks to depose, as well as what particular information each witness will provide that will aid the parties in their cases." (ECF No. 245.) Accordingly, Avon is submitting a letter (the "Letter"), and in connection with this Letter, Avon intends to submit the following documents as Exhibits to the Declaration of Robert I. Steiner, dated December 15, 2023:

1. An email and its attachments produced by Fareva in this action bearing Bates numbers FMG_00134342 – FMG_00134348, which Fareva designated as "Confidential" (Ex. 2);
2. An email produced by Fareva in this action bearing Bates numbers FMG_00205917 – FMG_00205920, which Fareva designated as "Confidential" (Ex. 3);

Hon. Alvin K. Hellerstein

December 15, 2023

3. An email produced by Fareva in this action bearing Bates numbers FMG_00248987 – FMG_00248989, which Fareva designated as “Attorneys’ Eyes Only” (Ex. 4);
4. An email produced by Fareva in this action bearing Bates numbers FMG_00651943 – FMG_00651946, which Fareva designated as “Confidential” (Ex. 5);
5. An email produced by Fareva in this action bearing Bates number FMG_00650957, which Fareva designated as “Confidential” (Ex. 6);
6. An email produced by Fareva in this action bearing Bates numbers FMG_00134180 – FMG_00134183, which Fareva designated as “Confidential” (Ex. 7);
7. An email and its attachments produced by Fareva in this action bearing Bates numbers FMG_00359185 – FMG_00359187, which Fareva designated as “Confidential” (Ex. 8);
8. An email produced by Fareva in this action bearing Bates numbers FMG_00244671 – FMG_00244674, which Fareva designated as “Confidential” (Ex. 9);
9. An email produced by Fareva in this action bearing Bates numbers FMG_00215185 – FMG_00215188, which Fareva designated as “Confidential” (Ex. 10);
10. An email produced by Fareva in this action bearing Bates number FMG_00350510, which Fareva designated as “Confidential” (Ex. 11);
11. An email and its attachments produced by Fareva in this action bearing Bates numbers FMG_00815782 – FMG_00815846, which Fareva designated as “Attorneys’ Eyes Only” (Ex. 13);
12. An email produced by Fareva in this action bearing Bates numbers FMG_00009846 – FMG_00009851, which Fareva designated as “Confidential” (Ex. 14); and
13. An email and its attachments produced by Fareva in this action bearing Bates numbers FMG_00026190 – FMG_00026192, which Fareva designated as “Confidential” (Ex. 15).

Additionally, the Letter references and quotes the above-referenced exhibits, as well as excerpts of the transcript of the deposition of Philip McCarney, held on December 13, 2022 (the “McCarney Transcript”), which was previously filed under seal pursuant to requests made by Fareva. (ECF Nos. 91, 190.)

Accordingly, Avon respectfully requests that the Court maintain under seal the above-referenced exhibits, as well as any portions of the Letter referencing or quoting those exhibits or the McCarney Transcript, subject to any contrary request by Fareva at any time. By making this sealing request, Avon is not contending that good cause exists to designate any of the foregoing materials as Confidential or Attorney’s Eyes Only within the meaning of the Protective Order. Instead, Avon merely seeks to comply

Hon. Alvin K. Hellerstein
December 15, 2023

with its obligations under the Protective Order to file under seal documents that Fareva has designated or may designate as Confidential or Attorney's Eyes Only. With Fareva's permission, Avon is prepared to re-file the foregoing documents or portions thereof publicly.

Thank you in advance for your consideration of this request.

Respectfully submitted,

/s/ Robert I. Steiner
Robert I. Steiner

cc: All Counsel of Record (via ECF)